



NORTH AMERICA SOUTH AMERICA EUROPE ASIA

200 Park Avenue  
New York, NY 10166  
T +1 (212) 294-6700  
F +1 (212) 294-4700

**DAVID L. GREENSPAN**  
Partner  
(212) 294-4616  
dgreenspan@winston.com

November 4, 2024

**VIA ECF**

Hon. Analisa Torres, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007

**Re: *Nat'l Football League Players Ass'n et al. v. DraftKings Inc. et al.*, No. 1:24-cv-06407-AT (S.D.N.Y.) – Sealing Request**

Dear Judge Torres,

Pursuant to Rule IV(A)(ii) of this Court's Individual Practices in Civil Cases, we write on behalf of Plaintiffs National Football League Players Association ("NFLPA") and National Football League Players Incorporated ("NFLPI," together with the NFLPA, "NFLPA Licensors") to request permission to file a redacted version of the NFLPA Licensors' pre-motion letter in opposition to Defendants' pre-motion letter in support of their motion to dismiss, in accordance with the instructions for filing redacted documents in the Southern District of New York's Electronic Case Filing Rules & Instructions, Section 6.

On August 22, 2024, this Court entered an order granting the NFLPA Licensors' motion to redact, in their Complaint and exhibits, the same limited information they now propose redacting in their pre-motion letter. *See* Order, *Nat'l Football League Players Ass'n v. DraftKings Inc.*, No. 24-mc-391 (Aug. 22, 2024), ECF No. 4 (finding "good cause" to grant sealing request). On October 28, 2024, Defendants requested permission to redact the same limited information in their pre-motion letter and the parties' joint letter, which this Court has not yet ruled on. *See* ECF No. 16.

Limited redaction of the NFLPA Licensors' pre-motion letter is warranted to protect the NFLPA Licensors' (and Defendants') confidential information and trade secrets. *See, e.g., Rubik's Brand Ltd. v. Flambeau, Inc.*, 2021 WL 1085338, at \*1 (S.D.N.Y. Mar. 22, 2021); *Graczyk v. Verizon Commc'ns, Inc.*, 2020 WL 1435031, at \*8–9 (S.D.N.Y. Mar. 24, 2020). Specifically, the redaction request pertains to commercially sensitive, confidential financial terms in the parties' agreements, the disclosure of which could cause competitive harm. This information is covered by the confidentiality provisions contained in the parties' agreements which further supports the conclusion that there is good cause to grant this request. *See Ramirez v. Temin & Co.*, 2020 WL 6781222, at \*4, \*7 (S.D.N.Y. Nov. 18, 2020).

Pursuant to Rule IV(A)(ii) of this Court's Rules of Practice in Civil Cases, the NFLPA Licensors respectfully request that only Defendants' counsel be granted access to the unredacted version of the NFLPA Licensors' pre-motion letter. The NFLPA Licensors further request that the Court permit the unredacted version of their pre-motion letter to be filed under seal.

Respectfully Submitted,

s/ David L. Greenspan

David L. Greenspan

cc: All Counsel of Record (via ECF)